

**From:** tim@2kind.com@inetgw  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

I am writing to express great dismay with the proposed federal settlement of the Microsoft antitrust trial. Past behavior is a good indicator of future intentions, and Microsoft was sanctioned in the past for poor behavior and monopoly abuses. The sanctions did not achieve the goal of preventing the current round of offenses. This latest settlement is even worse. It practically encourages new abuses.

The proposed settlement is INADEQUATE and UNJUST.

Without a substantial disincentive to further abuses, a public corporation (chartered to maximize shareholder value and net profits) is inexorably going to be pushed towards leveraging its monopoly or monopolies to prevent competition from eroding revenues. This is very simple. The only way to avoid a repeat performance is to encourage compliance via far-reaching consequences for breach, such as forced publication of APIs and source code for products found to be used to violate antitrust statutes. It's hard to shoot a man without a bullet; it is difficult to leverage a monopoly without a product to do so.

I would like to suggest some alternatives to strengthen the settlement.

Internet Explorer was "integrated" in a spurious and demonstrably false fashion; Spyglass Software was thus deprived of millions of dollars in licensing revenue, despite proof that their licensed product (rebadged as Internet Explorer) was separable from the Windows operating system. This demands punitive action: repackaging of IE as a separate product.

Also, the abusive licensing practices of Microsoft will not be ended by the proposed settlement. OEMs will be crushed by other avenues if they defy Microsoft, as has been the case in the past. Given the near-total monopoly held by Microsoft in this market, ALL OEM RESTRICTIONS OTHER THAN INTELLECTUAL PROPERTY STIPULATIONS should be held as null and void in future Windows Operating System EULAs.

Finally, all APIs for operating system functions that interact with other computers on a network or workgroup should be made public, and that public documentation enforced by law, with penalties for non-compliance including full publication of the relevant source code in the event of a deliberate obfuscation or non-publication.

Perhaps then, stiffer competition will push the entirety of computing forward at a faster pace, and if Microsoft truly is worthy of being the largest and most powerful company in the field, we shall witness this as a result of innovation and invention, rather than illegal stifling of

competing technologies (often those with the greatest promise for all).

I do not begrudge Microsoft their success; I begrudge them breaking the law and receiving a slap on the wrists (AGAIN!) as punishment.

Yours truly,

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